APP . U 1995 FOU MAIL ROOM

1710 Underpass Way * Hagerstown, MD 21740-6961

KATHLEEN T. ERIKSON'S CONTRIBUTION REPLY MEMO TO JAY PARKER

Mrs. Kathleen T. Erikson 163 Field Place Cogan Station PA 17728

AF6D 1043611

Jay, I'm signing and returning my "COMMENTS" to the FCC so they can become part of the public record. To help support the programs of the Abe Lincoln Foundation, I'm enclosing my contribution for:				
\$25 \$50 \$100 Other \$				
My check is payable to the Abe Lincoln Foundation.				
I'm signing and returning my FCC "COMMENTS" to ALF. I understand that $\overline{\text{the}}$ FCC's comment deadline is May 17th, 1995 and that ALF needs my COMMENTS back by May 10th.				
Before the FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, D.C. 20554				
In the Matter of				
Policies and Rules Regarding) MM Docket Nos. 94-149/ Minority and Female Ownership of) and 91-140 Mass Media Facilities)				
COMMENTS OF CITIZEN AND TAXDAVER				

COMMENTS OF CITIZEN AND TAXPAYER MRS. KATHLEEN T. ERIKSON 163 FIELD PLACE COGAN STATION PA 17728

IN OPPOSITION TO NEWLY-PROPOSED RACIAL AND SEXUAL DISCRIMINATION MEASURES THAT WOULD DIMINISH OPPORTUNITIES TO ENTER THE MASS MEDIA INDUSTRY.

By asking the public to suggest new minority preferences, the FCC is unwittingly admitting that its current policy has clearly failed to increase minority ownership of radio, TV, and cable systems.

Indeed, the biggest tax breaks in the current policy do not go to undercapitalized minority investors but to some of the wealthiest people in America.

Worse, Section 1071 is the <u>only</u> provision of the tax code that allows tax benefits because of an individual's race.

Supreme Court Justice Clarence Thomas argued in Holder V. Hall that crude racial classifications "should be repugnant to any nation that strives for the ideal of a colorblind Constitution."

Despite the failure of the FCC's minority preference tax breaks already in place, despite the unconstitutionality of the FCC and those preferences, and despite the American public's desire, expressed in last November's elections, to end minority preferences, the FCC now asks the public to suggest new reverse descrimination policies that go well beyond tax breaks.

As a citizen and a taxpayer, I urge the FCC to end its quest for more ways to unfairly discriminate against some Americans at the expense of others and realize it has outlived its usefulness.

Respectfully	Submitted,	No. of Copies rec'd List ABCDE	}

The Foolish FCC Is Obstacle to Colorblind Society

ith the recent passage of HR 831, Congressman Bill Archer and the entire House of Representatives took a major step toward actually achieving a colorblind federal government. What a novel thought — government treating people equally without concern for the color of their

skin. Something amazing really must have happened last November.

If passed by the Senate and signed into law, HR 831 will repeal a section of the Internal Revenue Code that, until recently, was ratherobscure. Section 1071 authorizes the Federal J. A. Communications Commission to certify that PARKER certain sales of radio or



television stations, or cable systems, are "necessary or appropriate" to further FCC policies, allowing the seller to delay or avoid paying taxes on the gain.

When first enacted, the law had nothing to do with race, but in 1978, the Carter administration's FCC announced a policy designed "to increas[e] significantly minority owner-ship of broadcast facilities." The FCC policy change allowed tax certificates to be given to broadcasters who sell to minorities.

Seventeen years later, we can say the policy is not working. Minority ownership of broadcast licenses was 0.5 percent in 1978, peaked at 3 percent in the mid-1980s, but has declined slightly to 2.9 percent today. As measured by its stated objective, the FCC's policies have been totally ineffective for almost 10 years, and probably were ineffective before then. A much more likely explanation for the gains in minority ownership during the first part of the 1980s was the

J. A. Parker, an activist and entrepreneur in Philadelphia and Washington, D.C., for the past 40 years, is president of the Abraham Lincoln Foundation for Public Policy Research, the nation's largest organization promoting conservative principles in the black community.

Reagan tax cuts and the economic expansion that increased minority ownership of businesses of all kinds.

UNDER THE FCC's misguided policy, the biggest tax breaks do not go to undercapitalized minority investors but to some of the wealthiest people in America. For example, last month, Viacom International announced plans to sell its vast cable system for \$2.3 billion to a group nominally controlled by a black lawyer (who crafted the FCC's minority-preference policy in the 1970s). The black lawyer is putting in only \$1 million of his own money, but that will buy Viacom a \$400million tax break, unless the repeal legislation becomes law.

But the question of abuse in this or any other individual case is secondary. According to the Ways and Means Committee, Section 1071 is the only provision in the Internal Revenue Code that allows tax benefits because of an individual's race. Crude racial classifications, Justice Clarence Thomas so eloquently said in Holder v. Hall, "should be repugnant to any nation that strives for the ideal of a colorblind Constitution." Swift repeal of Section 1071 would be a wonderful first step for the new Congress to take toward the vision of a colorblind government.

With this beginning, the rest of the temple erected to "affirmative action" should be taken down, brick by brick. Few now remember that the term "affirmative action" originally meant colorblind treatment. In March, 1961, President Kennedy issued Executive Order 10925 governing federal contracts, stipulating: "The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated, during employment, without regard to their race, creed, color, or national origin." That kind of colorblind vision needs to be restored

Not sharing that vision, the FCC is continuing to march on with the promise of more of the same. Its Notice of Proposed Rulemaking in "Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities," now open for public comment, looks for new ways to prefer some Americans over others on the basis of race and

With this beginning, the rest of the temple erected to 'affirmative action' should be taken down, brick by brick. "

gender. Admitting, perhaps unwittingly, that its past policies haven't worked, the FCC now actually asks the public to suggest new minority preferences — going well beyond tax breaks — that somehow might work. Neither the failure of past preferences nor the overwhelming desire of the American

people for a colorblind government seems to count for anything in the mind of the FCC.

IN THE late 1960s, I hosted radio talk shows called "Freedom of Speech" and "Left, Right, and Center" on WXUR-AM and FM radio in Media, Pennsylvania, Then, as now, the FCC was ruled by trendy liberal politics. The Commission reversed its own hearing examiner and revoked the station's license, using the infamous Fairness Doctrine as its excuse. (Strangely, the FCC never seemed inclined to apply the Fairness Doctrine against liberals.)

The FCC didn't get it then and doesn't get it now. With the FCC's new round of foolishness, Congress is presented clear justification to take a close look at how this counterproductive agency of government could be abolished, and its core functions transferred to another agency less prone to abuses of

OP/ED

RICHMOND TIMES-DISPATCH SATURDAY, MARCH 4, 1995 A9



America's Black Conservative Voice of Action

1710 Underpass Way * Hagerstown, MD 21740-6961

Dear Fed Up Citizen:

Will you put your name on the public record against government minority preference policies?

Please sign and return the enclosed official "COMMENTS" for the Federal Communications Commission (FCC) before the May 17th deadline.

As president of the Abe Lincoln Foundation, "America's black conservative voice of action," I'm fed up with racial quotas, affirmative action, minority set-asides, and minority preferences of all types.

I'd like to see them all abolished. And I think you'll agree America should strive for the ideal of a color-blind society. In fact, I'd like to see the FCC abolished.

But now the Federal Communications Commission (FCC) is asking citizens like you for comments on how to $\underline{\mathsf{expand}}$ its affirmative action policies when it comes to ownership of TV, radio, and cable systems.

Can you believe it? These government bureaucrats want more minority preferences, not less.

I thought America was supposed to be the land of opportunity.

If you feel strongly against granting more minority preferences, like I do, please sign and return the enclosed FCC "COMMENTS" to me today.

Remember, I need it back in time to submit it for the public record <u>before</u> the FCC's May 17th deadline.

By going on the public record against minority preferences, you'll be helping me fight for a color-blind society.

You'll also make it clear that you are FED UP with unconstitutional minority preference policies imposed on citizens like you by unelected bureaucrats.

Supreme Court Justice Clarence Thomas has argued that crude racial classifications "should be repugnant to any nation that strives for the ideal of a colorblind Constitution."

Personally, I've had enough of all this affirmative action nonsense. It is high time for our government to treat each American as an individual, not as a "white" American or a "black" American.

The fact that politicians fail to end quotas is evidence of moral cowardess.

That's why you and I need to take action by submiting comments against minority preferences to the FCC now while we have the chance.

So please sign and return your "COMMENTS" against minority preferences before the FEC's May 17th, deadline.

Since 1978, the FCC has had a number of policies favoring minorities. They were designed to provide women and minorities with more chances to own radio and TV stations and cable systems and to provide more programming diversity.

For example, Section 1071 of the tax code allows tax certificates to be given to broadcasters who sell to minorities with the FCC's blessing.

These tax certificates allow the seller to delay or avoid paying taxes on the gain.

Apart from the fact that race-based tax treatment in immoral and un-American, the policy is a failure. The biggest tax breaks do not go to some undercapitalized minority investors but to some of the wealthiest people in America.

For example, in February of this year, Viacom International announced plans to sell its vast cable system for \$2.3 billion to a group nominally controlled by a black lawyer.

The black lawyer is putting in only \$1 million of his own money. But that will buy Viacom a \$400 million tax break!

Interestingly, the black lawyer benefiting from the Viacom deal is the same one who wrote the FCC's minority preference policy in the 1970s.

OUTRAGEOUS ISN'T IT!

Now, rather than admitting that its minority preferences are unfair and don't work, the FCC is out to impose more preferences on the American people.

That's why I now need your help to end minority preferences at the FCC. Please help me by doing two things right now -- today:

1. Sign and return you "COMMENTS" in time for ALF to deliver them by the FCC's May 17th deadline.

You will then be on the public record as a citizen against unfair minority preferences.

2. Send your contribution check to support ALF's programs.

Isn't helping a black-led organization fight to end minority preferences worth your check for \$25, \$50, or even \$100?

I'm sure that as a generous conservative, you get many requests for money from fine organizations.

But isn't a black-led campaign against minority preferences worth your immediate financial support?

I am counting on you for a check of at least \$25.

Unlike the unelected federal bureaucrats at the FCC who are supported by your tax dollars to impose minority preferences on America, the Abe Lincoln Foundation relies on voluntary contributions from fair-minded conservatives like you.

Can I count on you for a check? Will you sign and return your "COMMENTS" against minority preferences before the FCC's May 17th deadline?

If you, too, are fed up with unelected government bureaucrats imposing minority preferences on us, please go on the public record against preferences today.

With your FCC action as a start, we can continue working for an end to all quotas, affirmative action, and minority preferences. Then we can work to put an end to the FCC itself. Then we can work to put an end to the FCC itself.

Sincerely, Varker

Jay Parker

P.S. I've reprinted a newspaper editorial I wrote last month for the RICHMOND TIMES-DISPATCH newspaper on back of your "COMMENTS" for the FCC. If you take a minute to read it, you'll see that like you, I'm fed up too.

Please don't miss the May 10th deadline!



Affixing your own Stamp here makes your Contribution to further.

NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

POSTAGE WILL BE PAID BY ADDRESSEE

The Abraham Lincoln Foundation Attn: J.A. Parker 1710 Underpass Way Hagerstown, MD 21740-9913

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